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FACSIMILE TRANSMITTAL

| | | | |
|-------------------|---|----------------------------|--------------------|
| TO: | | FROM: | |
| Name: | Janice Burse Customer Service Center | Name: | Michael R. McGurk |
| Firm: | Patent and Trademark Office | Phone No.: | (202) 408-4027 |
| Fax No.: | (703) 308-7751 | Fax # Verified by: | D. Elaine Wilson |
| Phone No.: | | Pages (incl. this): | 4 |
| Subject: | 06927.0001-01 | Date: | September 25, 2001 |

Confirmation Copy to Follow: No

Message:

If there is a problem with this transmission, notify fax room at (202) 408-4174 or the sender at the number above.

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PATENT
Customer No. 22,852
Attorney Docket No. 6927.0001-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

Michael Walsh et al.)

Serial No.: 09/313,335)

Filed: May 20, 1999)

For: SOFT COUNT TRACKING SYSTEM)

Group Art Unit: 3713

Examiner: Unassigned

Assistant Commissioner for Patents
 Washington, D.C. 20231

Attention: Janice Burse, Customer Service Center
 Initial Patent Examination Division

VIA FACSIMILE

SECOND REQUEST FOR CORRECTED FILING RECEIPT

Dear Ms. Burse:

Pursuant to our telephone conversation on the morning of September 25, 2001, and at your request, we have attached a copy of the Notice to File Missing Parts of Application as well as a copy of a Decision Under 37 CFR § 1.47(a) from the Office of Petitions. Both documents accurately reflect that the correct filing date for this application is May 20, 1999, and not January 26, 2001, as indicated on the incorrect Official Filing Receipt. Correction is respectfully requested.

Respectfully Submitted,

FINNEGAN, HENDERSON, FARABOW,
 GARRETT & DUNNER, L.L.P.

By: _____

Michael R. McGurk
 Reg. No. 32,045

LAW OFFICES
 FINNEGAN, HENDERSON,
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 1300 I STREET, N. W.
 WASHINGTON, DC 20005
 202-408-4000

Dated: September 25, 2001

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Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
| 09/313,335 | 05/20/99 | WALSH | 6927.0001 |

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0232/0624

JUN 29 1999

NOT ASSIGNED

FINNEGAN HENDERSON FARABOW GARRETT
& DUNNER LLP
1300 I STREET NW
WASHINGTON DC 20005

FINNEGAN, HENDERSON, FARABOW,
GARRETT AND DUNNER, LLP

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NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☐ small entity (statement filed) ☒ non-small entity is \$ 130.00

- ☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$_____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. The following additional claims fees are due:

\$_____ for _____ total claims over 20.

\$_____ for _____ independent claims over 3.

\$_____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

- ☒ is missing or unsigned.

- ☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

D. Bates
 Customer Service Center
 Initial Patent Examination Division (703) 308-1202

SEARCHED
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U.S. GPO: 1998-446-624

FORM PTO-1533 (REV. 9/98)

PART 4 ATTORNEY/APPLICANT COPY

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Paper No. 8

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JAN 26 2001

 OFFICE OF PETITIONS
 A/C PATENTS

 DECISION ACCORDING
 STATUS UNDER 37 CFR 1.47(a)

 FINNEGAN HENDERSON FARABOW GARRETT
 & DUNNER LP
 1300 I STREET NW
 WASHINGTON, DC 20005

 In re Application of
 Walsh, et al.
 U.S. Patent No. 5,630,755
 Application No. 09/313,335
 Filed: May 20, 1999
 For: SOFT COUNT TRACKING

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This is in response to the renewed petition under 37 CFR 1.47(a), filed November 6, 2000.

The petition is GRANTED.

Petitioner has shown that the nonsigning inventor, MICHAEL WALSH, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration of MICHAEL MCGURK, in which attempts to contact the nonsigning inventor are outlined, and the declaration of EDWARD SEIDENBERG, in which details of the nonsigning inventor's verbal refusal to sign the application papers are outlined, are sufficient evidence to establish that the inventor received the application papers and refused to sign.

 The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the nonsigning inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for issuance of a corrected filing receipt.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

 Beverly M. Flanagan
 Supervisory Petitions Examiner
 Office of Petitions
 Office of the Deputy Commissioner
 for Patent Examination Policy

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JAN 26 2001

 FINNEGAN HENDERSON
 FARABOW GARRETT & DUNNER LP

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Bib Data Sheet

CONFIRMATION NO. 3754

| | | | | |
|--|---|-------------------------------|---|--|
| SERIAL NUMBER 09/313,335 | FILING DATE 05/20/1999 RULE 1.47 | CLASS 463 | GROUP ART UNIT 2899 3713 | ATTORNEY DOCKET NO. 6927.0001-01 |
| APPLICANTS MIROSLAW BLASZCZEC, LINDENHURST, NY; SALVATORE SORIANO, WEST ISLIP, NY; WILLIAM WOOD, HOT SPRINGS, AR; | | | | |
| ** CONTINUING DATA ***** THIS APPLICATION IS A REI OF 08/418,556 04/07/1995 PAT 5,630,755 | | | | |
| ** FOREIGN APPLICATIONS ***** | | | | |
| IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 06/23/1999 | | | | |
| Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance Verified and Acknowledged _____ Examiner's Signature Initials | | STATE OR COUNTRY NY | SHEETS DRAWING 5 | TOTAL CLAIMS 23 |
| INDEPENDENT CLAIMS 3 | | | | |
| ADDRESS FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP 1300 I STREET NW WASHINGTON , DC 20005 | | | | |
| TITLE SOFT COUNT TRACKING SYSTEM | | | | |
| FILING FEE RECEIVED 1100 | FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following: | | <input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit | |

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